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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,396	02/05/2002	Richard St.Clair Bailey	MS1-1006US	4779
22801	7590	10/06/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,396	BAILEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 February 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 recites "receiving information from a computer program regarding one or more display controls that are included in a display list", which is equivalent to the limitation of claim 2, "receiving information regarding a number of display controls included in the display list".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7, 12, and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the scrolling events: "scroll up system and scroll down system" which are not sufficiently described in the specification.

Claim 34 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim includes display controls comprising "a state", which may be managed by a list manager. However, the state is not sufficiently described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: claim 3 recites "linking to the display controls and to the data source" but fails to mention what is being linked to the display controls and to the data source.

Claims 33-36 recite the limitation "the list manager". There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2173

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-33 and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by "WinAmp2: Winamp's Subwindows", at <http://www.winamp-faq.de/english/wa2/documentation/sub.htm>, hereinafter Winamp 2. Various Winamp screenshots have been included to illustrate the ability of Winamp to provide the user with a customizable graphical user interface.

Regarding claim 1, Winamp teaches receiving information regarding one or more display controls included in a display list of a graphical user interface (taught as the scroll bar, selectable playlist elements, and various playlist controls of the Winamp playlist submenu, shown in the Winamp skins screenshots and on page 2 of the Winamp 2 reference). Furthermore, Winamp teaches managing display elements displayable by the display controls by accessing a data source that populates the display controls with the display list elements according to scrolling events received related to the display list (taught as the use of a selected directory or URL to populate the playlist with, and the subsequent manipulation of the playlist by the Winamp scroll bar, selectable playlist elements, and various playlist controls, shown in the Winamp skins screenshots and on page 2 of the Winamp 2 reference). Winamp also teaches altering the visual appearance of the display controls and the graphical user interface without affecting the management of the display list elements (taught as the use of user selectable skins that present custom graphical appearances to a user, as shown in the Winamp skins screenshots).

Regarding claim 2, Winamp teaches receiving information regarding one or more display controls included in a display list of a graphical user interface (taught as the scroll bar,

selectable playlist elements, and various playlist controls of the Winamp playlist submenu, shown in the Winamp skins screenshots and on page 2 of the Winamp 2 reference).

Regarding claim 3, Winamp teaches at page 2 of the Winamp reference linking playlist controls and the directories to the playlist itself.

Regarding claim 4, Winamp teaches at page 2 of the Winamp reference linking a playlist control to the directories used to define a playlist.

Regarding claim 5, the controls of Winamp are selectable in that they are user manipulable by the use of interface devices such as a mouse or keyboard.

Regarding claim 6, the controls of Winamp are selectable in that they are user manipulable by the use of interface devices such as a mouse or keyboard, and the selection and manipulation of the scroll bar allows the user to implement scrolling events on a playlist.

Regarding claim 7, scrolling events such as scroll next item, scroll previous item, scroll next page, scroll previous page, scroll to first item, and scroll to last item are well known in the art and are included in the vast majority of programs that display information, and is used in Winamp. Such scrolling events are typically initiated by use of the page up, page down, home, end keys, and the up and down arrow keys.

Regarding claim 8, Winamp teaches creating a list manager (the creation and display of a playlist, described *supra*), receiving settings for list manager properties (the ability to sort

playlist entries, at page 2 of the Winamp 2 reference), configuring the list manager to receive information from a graphical user interface regarding display controls and determine appropriate display list elements to display (taught as the ability of the user to interact with playlist menu buttons to edit the playlist, at page 2 of the Winamp 2 reference), and performing the above steps without regard for the layout of the graphical user interface (taught as the ability to change skins of a player without having an effect on the overall functionality of the player).

Regarding claim 9, Winamp teaches configuring the list manager to determine the appropriate display list elements by responding to scrolling events that correspond with the display list, (taught as the use of a selected directory or URL to populate the playlist with, and the subsequent manipulation of the playlist by the Winamp scroll bar, selectable playlist elements, and various playlist controls, shown in the Winamp skins screenshots and on page 2 of the Winamp 2 reference).

Regarding claim 10, Winamp has been shown *supra* to teach configuring the list manager to access a data source to retrieve display list elements (taught as the selection of a URL or directory to add to a playlist, at page 2 of the Winamp 2 reference).

Regarding claim 11, it is inherent that manipulation of the Winamp playlist scroll bar triggers a specific scroll behavior that affects the playlist.

Regarding claim 12, scrolling events such as scroll next item, scroll previous item, scroll next page, scroll previous page, scroll to first item, and scroll to last item are well known in the art and are included in the vast majority of programs that display information, and is used in

Winamp. Such scrolling events are typically initiated by use of the page up, page down, home, end keys, and the up and down arrow keys.

Regarding claim 13, Winamp has been shown *supra* to teach a displaying a graphical user interface that includes one or more selectable display controls that form a display list, software that controls the appearance of the graphical user interface, selecting a data source in the form of a directory or URL to populate the playlist with display list elements, a scrolling source to provide scrolling events in the form of a playlist scroll bar, keyboard input, or mouse input, a list manager that responds to scrolling events, and separating the list manager processes from the graphical user interface software. Inherently, Winamp is run on a computer system with a processor, memory, and display device.

Regarding claim 14, Winamp teaches operating the graphical user interface software independently of the list manager so that altering the graphical user interface does not alter the way that the list manager manages the display list, taught as the ability to change skins of a player without having an effect on the overall functionality of the player.

Regarding claim 15, the list manager, or playlist, is contained in Winamp, which utilizes the graphical user interface.

Regarding claim 16, Winamp teaches a list manager control that creates a list manager in an application, taught as a playlist button that allows for the selective activation and deactivation of a Winamp playlist window, at page 2 of the Winamp 2 reference.

Regarding claims 17 and 18, Winamp has been shown to teach *supra* the use of buttons and slider controls as display controls of a display list. Furthermore, such controls can be seen in the Winamp skins screenshots.

Regarding claims 19-23, at the time the invention was made it would have been obvious to a person of ordinary skill in the art to utilize knobs, meters, labels, palettes and checkboxes as list controls. Applicant has not disclosed that knobs, meters, labels, palettes and checkboxes provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the buttons and slider controls of Winamp because knobs, meters, labels, palettes and checkboxes are well known in the art to perform the same graphical user interface manipulations as buttons and sliders, and are primarily an aesthetic design choice.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Winamp to obtain the invention as specified in claims 19-23.

Regarding claim 24, scrolling events such as scroll next item, scroll previous item, scroll next page, scroll previous page, scroll to first item, and scroll to last item are well known in the art and are included in the vast majority of programs that display information, and is used in Winamp. Such scrolling events are typically initiated by use of the page up, page down, home, end keys, and the up and down arrow keys.

Regarding claim 25, it can be seen in the Winamp skins screenshots that a multitude of controls are used in combination in order to manipulate the graphical user interface and playlist of Winamp.

Regarding claim 26, Winamp teaches computer-readable media containing instructions for receiving data from a graphical user interface program to determine properties of a display list in the graphical user interface, the display list having one or more display controls that are selectable by a user (taught as the use of a playlist scroll bar, playlist control buttons, scrolling keys, and selectable playlist elements that allow the user to control the playlist, at page 2 of the Winamp 2 reference), accessing a data source that contains one or more display list elements that are displayable in the display controls, a display control being able to display one display list element at a time and populating each display control with a display list element from the data source according to one or more scrolling events received, (taught as the ability to populate the playlist with playlist items and control the items one at a time through user interaction). Furthermore, the ability to “skin” the Winamp player insures a separation of the configuration of the graphical user interface and computer-readable media.

Regarding claim 27, Winamp teaches changeable properties of a display list, taught as the ability to modify a playlist through user interaction, at page 2 of the Winamp 2 reference.

Regarding claims 28 and 29, Winamp has been shown *supra* to teach “next page” and “previous page” scrolling. Such scrolling is well known in the art to clear the display of the old items and then repopulate the display with the next page or previous page of items indicated through the scrolling event.

Regarding claims 30 and 31, Winamp has been shown *supra* to teach “next item” and “previous item” scrolling. Such scrolling is well known in the art to clear the display of the old

items and then repopulate the display with the next or previous items indicated through the scrolling event.

Regarding claim 32, Winamp has been shown to teach *supra* the use of buttons and slider controls as display controls of a display list. Furthermore, such controls can be seen in the Winamp skins screenshots. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize knobs, meters, labels, palettes and checkboxes as list controls. Applicant has not disclosed that knobs, meters, labels, palettes and checkboxes provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the buttons and slider controls of Winamp because knobs, meters, labels, palettes and checkboxes are well known in the art to perform the same graphical user interface manipulations as buttons and sliders, and are primarily an aesthetic design choice.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Winamp to obtain the invention as specified in claim 32.

Regarding claim 33, it is inherent that display controls such as scrolling keys (page up, page down, etc.) have a property of mutual exclusivity, so that no two scrolling operations can be carried out simultaneously. Furthermore, the scrolling events are received by a manager, such as the operating system listening for keystrokes, which in turn must communicate with the data source to evidence the changes present in the playlist, whether it be scrolling, sorting, or editing the playlist.

Regarding claim 35, the scrolling events are received by a manager, such as the operating system listening for keystrokes, which in turn must communicate with the data source to evidence the changes present in the playlist, whether it be scrolling, sorting, or editing the playlist, providing a buffer between the graphical user interface and the playlist.

Regarding claim 36, Winamp teaches using a display control to request additional information concerning a display list item, taught as the use of a File Info submenu control selectable by the user, at page 2 of the Winamp 2 reference.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art pertains to customized graphical user interfaces and the state of the art in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914, and at (571) 272-4055 on or after October 18, 2004. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116, and at (571) 272-4048 on or after October 18, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
9/29/2004



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER